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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/897,390	07/21/1997	Matthew Laval	REG-32	4393

7590 09/23/2003

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[REDACTED] EXAMINER

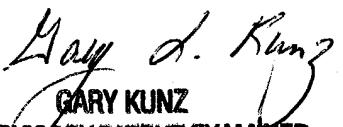
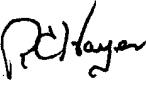
HAYES, ROBERT CLINTON

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

1647

DATE MAILED: 09/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Communication Re: Appeal	Application No. 08/897,390	Applicant(s) LaVail et al
	Examiner Robert C. Hayes, Ph.D.	Art Unit 1647
		
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>		
<p>1. <input type="checkbox"/> The Notice of Appeal filed on _____ is not acceptable because:</p> <ul style="list-style-type: none"> (a) <input type="checkbox"/> it was not timely filed. (b) <input type="checkbox"/> the statutory fee for filing the appeal was not submitted. See 37 CFR 1.17(b). (c) <input type="checkbox"/> the appeal fee received on _____ was not timely filed. (d) <input type="checkbox"/> the submitted fee of \$ _____ is insufficient. The appeal fee required by 37 CFR 1.17(b) is \$ _____. (e) <input type="checkbox"/> the appeal is not in compliance with 37 CFR 1.191 in that there is no record of a second or a final rejection in this application. (f) <input type="checkbox"/> a Notice of Allowability, PTO-37, was mailed by the Office on _____. <p>2. <input type="checkbox"/> The appeal brief filed on _____ is NOT acceptable for the reason(s) indicated below:</p> <ul style="list-style-type: none"> (a) <input type="checkbox"/> the brief and/or brief fee is untimely. See 37 CFR 1.192. (b) <input type="checkbox"/> the statutory fee for filing the brief has not been submitted. See 37 CFR 1.17(c). (c) <input type="checkbox"/> the submitted brief fee of \$ _____ is insufficient. The brief fee required by 37 CFR 1.17(c) is \$ _____. <p>The appeal in this application will be dismissed unless corrective action is taken to timely submit the brief and requisite fee. Extensions of time may be obtained under 37 CFR 1.136(a).</p> <p>3. <input checked="" type="checkbox"/> The appeal in this application is DISMISSED because:</p> <ul style="list-style-type: none"> (a) <input type="checkbox"/> the statutory fee for filing the brief as required under 37 CFR 1.17(c) was not timely submitted and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired. (b) <input type="checkbox"/> the brief was not timely filed and the period for obtaining an extension of time to file the brief under 37 CFR 1.136 has expired. (c) <input checked="" type="checkbox"/> Request for Continued Examination (RCE) under 37 CFR 1.114 was filed on <u>Aug 25, 2003</u>. (d) <input type="checkbox"/> other: <p>4. <input checked="" type="checkbox"/> Because of the dismissal of the appeal, this application:</p> <ul style="list-style-type: none"> (a) <input type="checkbox"/> is abandoned because there are no allowed claims. (b) <input type="checkbox"/> is before the examiner for final disposition because it contains allowed claims. Prosecution on the merits remains CLOSED. (c) <input checked="" type="checkbox"/> is before the examiner for consideration of the submission and prosecution has been reopened pursuant to 37 CFR 1.114. <div style="text-align: right; margin-top: 10px;">  GARY KUNZ SUPERVISORY PATENT EXAMINER TECHNOLOGY CENTER 1600 </div> <div style="position: absolute; left: -100px; top: 840px;">  </div>		